

effective upon publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule amends the regulations governing the importation of certain animals, meat, and other animal products to allow, under certain conditions, the importation of fresh (chilled or frozen) beef from Uruguay. Based on the evidence documented in our recent risk assessment, we believe that fresh (chilled or frozen) beef can be safely imported from Uruguay provided certain conditions are met. This action provides for the importation of beef

from Uruguay into the United States while continuing to protect the United States against the introduction of FMD.

This rule reopens the U.S. market to Uruguayan beef producers. Beef producers and importers in the United States should not experience any notable economic effects as a result of these changes because the United States has imported only a small amount of beef from Uruguay in the past (table 3).

TABLE 3.—VALUE OF U.S. SUPPLY AND IMPORTS OF FRESH (CHILLED OR FROZEN) BEEF AND URUGUAY'S SHARE

Year	U.S. imports from Uruguay	Total U.S. imports		U.S. supply (domestic production + imports – exports)	
	(In millions)	(In millions)	Uruguay's share	(In millions)	Uruguay's share
1997	\$37.5	\$1,407.9	2.7%	\$22,941	0.2%
1998	29.2	1,609.8	1.8%	23,184	0.1%
1999	43.5	1,907.7	2.3%	23,846	0.2%
2000	40.9	2,221.0	1.8%	24,000	0.2%

Sources: Imports and Exports: U.S. Department of Commerce, Bureau of the Census, as reported by the World Trade Atlas. Domestic production: Calculated from quantities reported in Table 7–72 of Agricultural Statistics 2000, with a wholesale price for the 3 years conservatively approximated at \$90 per hundredweight.

Uruguay's share in the value of U.S. imports of fresh (chilled or frozen) beef has been very small. From 1997 to 2000, Uruguayan exports accounted for only 1.8 to 2.7 percent of total U.S. imports of fresh (chilled or frozen) beef. During the same period, imports from Uruguay accounted for 0.2 percent or less of the value of the U.S. supply (domestic production plus imports minus exports) of fresh (chilled or frozen) beef.

Impact on Small Entities

According to the Small Business Administration's (SBA) size standards, beef cattle ranches and farms having \$750,000 or less in annual revenue, and cattle feedlots having \$1,500,000 or less in annual revenue, are considered small entities. The number of farms and ranches with beef herds in the United States in 1997 was reported to be 766,991, and 99.8 percent of these beef farms could be categorized as small according to the SBA's criteria.⁷ It is impossible to determine from published data how many U.S. cattle feedlots could be categorized as small according to the SBA's criteria. Industry analysts suggest that feedlots with a capacity of roughly 1,000 head of cattle would have annual revenues of approximately \$1,500,000. In 2000, roughly 18 percent (2,508) of cattle feedlots in the United

States would have been considered small by SBA standards.⁸

Although this rule could potentially affect a large number of small beef farms and a relatively small number of small feedlots because it allows Uruguayan beef into the U.S. market, it is not expected to have a significant economic effect on these entities because the import volumes involved are low.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

⁸ Unpublished National Agricultural Statistics Service data, from *Changes in the U.S. Feedlot Industry 1994–1999*, USDA/APHIS/NAHMS, August 2000.

⁷ USDA, National Agricultural Statistics Service, 1997, Census of Agriculture—United States Data table 28, page 32.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

■ Accordingly, we are amending 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

■ 1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 94.1, paragraph (b)(2) and the introductory text of paragraph (d) are revised and a new paragraph (b)(4) is added to read as follows:

§ 94.1 Regions where rinderpest or foot-and-mouth disease exists; importations prohibited.

* * * * *

(b) * * *

(2) Except as provided in paragraph (d) of this section for fresh (chilled or frozen) meat of ruminants or swine that is otherwise eligible for importation under this part but that enters a port or otherwise transits a region where